

CITY OF WEST DES MOINES PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: July 20, 2015

Item: Bridgewood Drive Vacation, North end of Bridgewood Drive –Vacate that portion of Bridgewood Drive located north of Beechtree Lane – VAC-002728-2015

Requested Action: Approval of a Vacation Request

Case Advisor: Brian Portz, AICP 

Applicant's Request: The applicant, Ryan Companies US, Inc., is requesting approval of the vacation of a portion of Bridgewood Drive right-of-way northeast of the Bridgewood Drive/Beechtree Lane intersection. The roadway in question is currently a dead end street northeast of Beechtree Lane. This constructed portion of this roadway section was completed and dedicated to the City as part of Bridgewood Plat 2 in 2000: additional street right-of-way was dedicated (street extension not constructed) with the original platting of Jordan West completed in 2007. The applicant is pursuing a vacation of this portion of Bridgewood Drive in order to make the extension of the roadway through the Jordan West development private allowing them to implement traffic calming measures requested by Bridgewood residents that would otherwise not be desired and/or allowed if the road were public (see Bridgewood Drive Extension discussion below).

History: The constructed portion of the roadway and right-of-way of Bridgewood Drive was dedicated to the City as a part of Bridgewood Plat 2 in July 2000. The additional right-of-way (Outlot U) was dedicated to the City as part of the original Jordan West plat completed in 2007. The street was not constructed on this section of right-of-way.

City Council Subcommittee: The Jordan West project (including this right-of-way vacation request) was presented to Development and Planning Subcommittee for discussion at its January 15, 2015 and March 12, 2015 meeting. The Subcommittee members were in support of the proposed street vacation.

Staff Review and Comment: There are no outstanding issues. The Engineering Services department has reviewed the applicant's request and is in agreement that a portion of Bridgewood Drive can be vacated as there will be a logical termination (at the intersection of Beechtree Lane) of the public portion of Bridgewood Drive. Staff would summarize the following:

- **Bridgewood Drive Extension:** Existing Bridgewood Drive is a public street. For the Jordan West development, this roadway needs to be continued to connect to either EP True Parkway or Jordan Creek Parkway. The applicant is in agreement with extending the roadway; however, they wish to make it a private roadway through their development so as to limit the amount of land encompassed as right-of-way. The City has no issue with the roadway being private through the Jordan West development; however, when a public street terminates into a private roadway, there needs to be clear demarcation line and a means for which City vehicles (snow plows and maintenance trucks) to turn around. To allow for this, and in response to the neighbors request that traffic calming measures such as splitter islands, traffic control measures, and/or speed bumps be implemented, the developer of the Jordan West project is requesting a vacation of that portion of the public street that lies north of the Bridgewood Drive and Beechtree Lane intersection. This will allow City vehicles to turn onto Beechtree Lane and serve as the demarcation line between the public and private portions of Bridgewood Drive. Although it will be a private street, any traffic calming measures will need to be reviewed and approved by both the City's Traffic Engineer, as well as the Fire Marshal to ensure emergency response vehicles can navigate through.
- **Public Easements:** The Bridgewood Drive right-of-way that will be vacated contains public sanitary sewer, water and storm sewer. In conjunction with the disposition of the right-of-way, an easement(s) will need to be executed to provide access to the public utilities that run through the right-of-way. In addition, an ingress/egress easement will also need to be executed to allow for the public to utilize the

private street through the vacated right-of-way. Staff recommends a condition of approval of the vacation request that the appropriate easements be executed by Ryan Companies upon disposition and acquisition of the property by Ryan Companies.

- **Disposition of the Right-of-Way:** The actual disposition of the Bridgewood Drive right-of-way requires that the land be offered to the developer of the subdivision that originally dedicated the right-of-way to the City. In this case, the original Bridgewood developer is no longer in business, so the right-of-way is then be offered to the current property owners on each side of the right-of-way vacated (Grayhawk Homes and a private citizen). The property owners on each side of the right-of-way have agreed to waive their rights to purchase the property. The applicant, Ryan Companies US, Inc. will then be able to purchase the vacated right-of-way to construct a road extension through the Jordan West development. Actual disposition of the right-of-way will be by separate Council action handle through the City's Legal Department.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Staff Recommendations and Conditions of Approval: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Vacation request for a portion of the Bridgewood Drive public street right-of-way, subject to the applicant meeting all City Code requirements and the following.

1. In conjunction with the disposition of the property, the new owner of the vacated right-of-way, (Ryan Companies), shall execute a utility easement(s) for the existing and future public utilities through the vacated property. In addition, an ingress/egress easement shall be executed by the new owner of the property, (Ryan Companies), to provide for public vehicle and pedestrian access through the vacated property.

Noticing Information: On July 10, 2015, notice for the July 20, 2015 Plan and Zoning Commission and July 27, 2015 City Council Public Hearings on this request was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to those property owners immediately adjacent to the proposed right-of-way vacation on July 9, 2015.

Property Owner/Applicant:

Ryan Companies US, Inc.
14001 University Avenue, Suite 300
Clive, IA 50325
Attn: Brad Schoenfelder
brad.schoenfelder@ryancompanies.com

Applicant's Representatives:

Civil Engineering Consultants
2400 86th Street, Suite 12
Des Moines, IA 50322
Attn: Ed Arp
arp@ceclac.com

Attachments:

Attachment A	-	Plan and Zoning Commission Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Location Map
Attachment C	-	Vacation Sketch

RESOLUTION NO. PZC-

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES,
RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE
A PUBLIC STREET RIGHT-OF-WAY VACATION REQUEST**

WHEREAS, pursuant to the provisions of Title 10, Chapter 1 et seq. of the West Des Moines Municipal Code, the applicant, Ryan Companies US, Inc., has requested approval for a Vacation Request (VAC-002728-2015) for that property located northeast of the intersection of existing Bridgewood Drive and Beechtree Lane for the purpose of vacating a portion of Bridgewood Drive and street right-of-way;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on July 20, 2015 this Commission held a duly-noticed hearing to consider the application for Vacation Request (VAC-002728-2015);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated July 20, 2015, or as amended orally at the Plan and Zoning Commission hearing of July 20, 2015, are adopted.

SECTION 2. VACATION REQUEST (VAC-002728-2015) to vacate a portion of public street right-of-way located northeast of the intersection of existing Bridgewood Drive and Beechtree Lane is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated July 20, 2015, including conditions added at the Hearing. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

The legal description of the right-of-way to be vacated is as follows:

A PARCEL OF LAND IN LOTS 'A' & 'B', BRIDGEWOOD PLAT 2, AN OFFICIAL PLAT RECORDED IN BOOK 2001, PAGE 2273 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID LOT 'A', SAID NORTH CORNER ALSO BEING THE SE CORNER OF OUTLOT 'Z', BRIDGEWOOD NORTH PLAT 2 AN OFFICIAL PLAT RECORDED IN BOOK 2012, PAGE 22287 AT THE DALLAS COUNTY RECORDER'S OFFICE; THENCE S45°00'00"W, 70.00 FEET ALONG THE EAST LINE OF SAID LOT 'A' TO A POINT ON THE SOUTH LINE OF SAID LOT 'A', SAID POINT ALSO BEING THE NORTH CORNER OF LOT 19 OF SAID THE BRIDGEWOOD PLAT 2; THENCE S45°00'00"W, 85.00 FEET ALONG THE SOUTH LINE OF SAID LOT 'A' TO THE NORTH CORNER OF SAID LOT 'B', THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING S00°00'00"E, AN ARC LENGTH OF 39.27 FEET ALONG THE NORTH LINE OF SAID LOT 'B' TO A POINT; THENCE N45°00'00"W, 95.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 'A'; THENCE N45°00'00"E, 110.00 FEET ALONG THE NORTH LINE OF SAID LOT 'A' TO THE POINT OF BEGINNING AND CONTAINING 7,834 SQUARE FEET.

AND

OUTLOT 'U', JORDAN WEST PLAT 1, AN OFFICIAL PLAT RECORDED IN BOOK 2007, PAGE 10626 AT THE DALLAS COUNTY RECORDER'S OFFICE, CITY OF WEST DES MOINES, IOWA AND CONTAINING 6081 SF.

PASSED AND ADOPTED on July 20, 2015.

Craig Erickson, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on July 20, 2015 by the following vote:

AYES:

NAYS:

ABSTENTIONS:

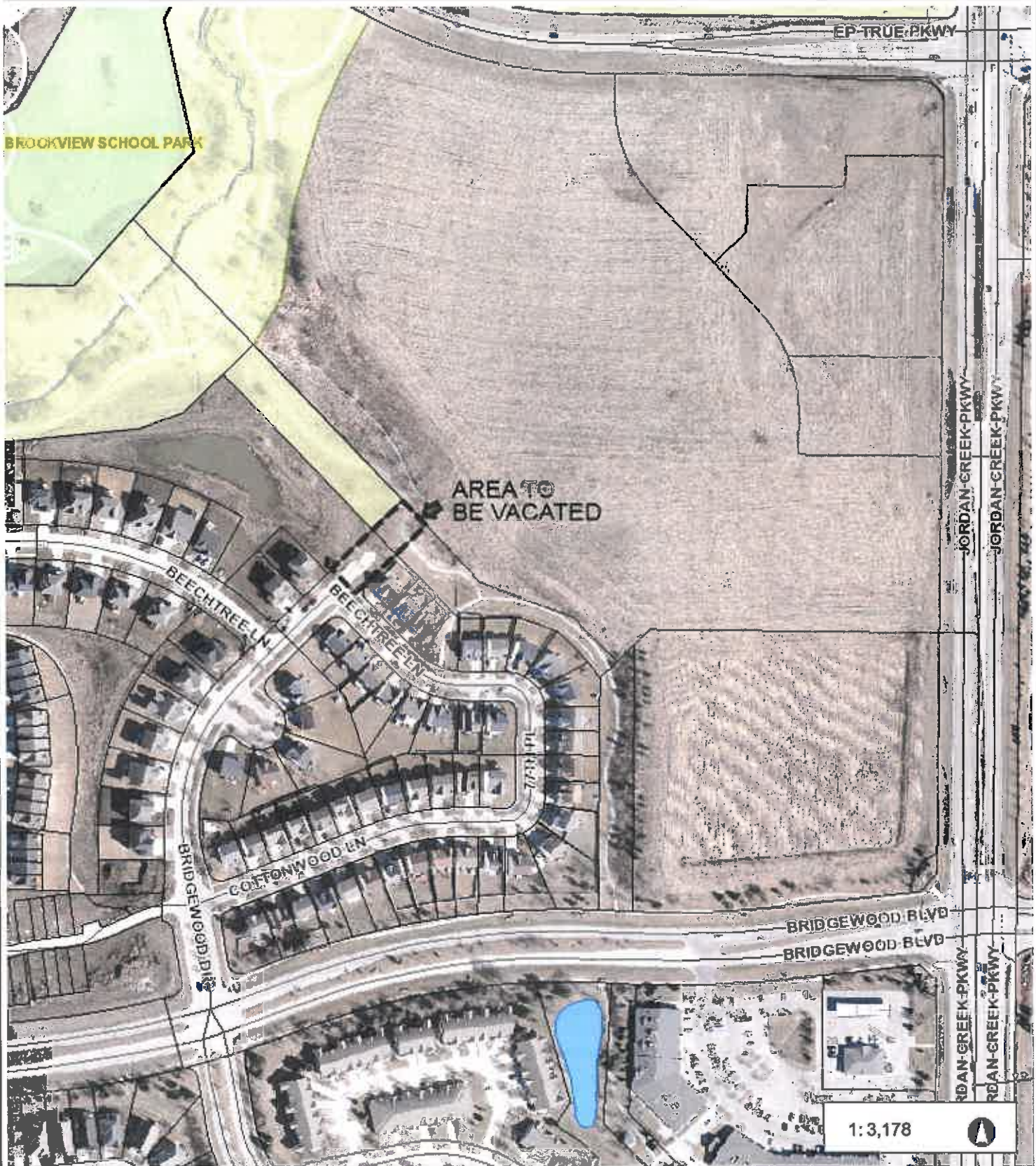
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
Conditions of Approval

1. In conjunction with the disposition of the property, the new owner of the vacated right-of-way, (Ryan Companies), shall execute a utility easement(s) for the existing and future public utilities through the vacated property. In addition, an ingress/egress easement shall be executed by the new owner of the property, (Ryan Companies), to provide for public vehicle and pedestrian access through the vacated property.



529.7 0 264.87 529.7 Feet

NAD_1983_StatePlane_Iowa_South_FIPS_1402_Feet
 © City of West Des Moines, Iowa

Disclaimer: The City of West Des Moines makes no warranties
 regarding the accuracy or completeness of the data provided
 herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION